

MANDATE

S.D.N.Y.-N.Y.C.
15-mc-40
Hellerstein, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 24th day of January, two thousand eighteen.

Present:

Pierre N. Leval,
José A. Cabranes,*
Circuit Judges.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:** _____
DATE FILED: January 24, 2018

Grant Thornton LLP,

Petitioner,

v.

17-2858

Teachers Insurance and Annuity Association of
America, et al.,

Respondents,

United States of America,

Intervenor,

Barclays Capital Inc., et al.,

Movants.

*Judge Guido Calabresi, originally assigned to the panel, recused himself from consideration of this matter. The two remaining members of the panel, who are in agreement, have decided this case in accordance with Second Circuit Internal Operating Procedure E(b). *See* 28 U.S.C. § 46(d); *cf. United States v. Desimone*, 140 F.3d 457, 458 (2d Cir. 1998).

MANDATE ISSUED ON 01/24/2018

American Realty Capital Properties, Inc., et al.,

Petitioners,

v.

17-2872

Teachers Insurance and Annuity Association of
America, et al.,

Respondents,

United States of America,

Intervenor.

Petitioners request, pursuant to Federal Rule of Civil Procedure 23(f), leave to appeal the district court's order granting Respondents' motion for class certification. They also seek leave to reply to Respondents' opposition to the petitions. Movants seek leave to join the petition in 17-2858. Upon due consideration, it is hereby ORDERED that the motions for leave to reply and to join the petition are GRANTED.

It is further ORDERED that the petitions are DENIED because an immediate appeal is unwarranted. *See Sumitomo Copper Litig. v. Credit Lyonnais Rouse, Ltd.*, 262 F.3d 134, 139-40 (2d Cir. 2001).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court




A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit


